

Panaji, 23rd March, 1978 (Chaitra 2, 1900)

SERIES I No. 51

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

5-3-74-Div. I. (Part file)

In exercise of the powers conferred on him in the Schedule (Part III, Sr. No. XV (iii) to the C.C.S. (C.C.A.) Rules, 1965 as approved by the Govern-

ment of India, Cabinet Secretariat, Department of Personnel, New Delhi, the Administrator of the Union Territory of Goa, Daman and Diu, hereby makes the following amendment and substitute the following entries against Sr. No. 18 and 19 of the Notification No. SPL/EST/9364 (2) dated 31-10-1967 and Sr. No. 17 of the Notification No. 5-3-74-CVD dated 16-11-1974 regarding the appointing, disciplinary and appellate authorities under the said rules for Group 'C' and Group 'D' posts in the Administration of the Union Territory of Goa, Daman and Diu.

Sr. No.	Description of service	Appointing authority	Authority competent to impose penalties which it may impose (with reference to number in Rule 11)		Appellate Authority
			Authority	Penalties	
1	2	3	4	5	6
18.	Staff in the Block Development Offices, excluding Extension Officers of the various departments, Progress Assistants and Statistical Assistants.	Collector concerned.	Collector concerned.	All	Secretary (Revenue)
19.	Office of the Registrar of Co-operative Societies and Extension Officers Village Panchayat-cum-Cooperation.	Registrar of Co-operative Societies.	Registrar of Co-operative Societies.	All	Secretary (Revenue)
17.	Extension Officer (for Rural Engineering).	Chief Engineer, Public Works Department.	Chief Engineer, Public Works Department.	All	Development Commissioner

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 3rd March, 1978.

#### Local Administration and Welfare Department

#### Amendment

5-14-70-LSG

Read: — Government Notification No. 5-14-70-LSG dated 22-7-71.

The Annexure "A" to the above mentioned Government Notification shall be substituted as under with immediate effect: —

#### ANNEXURE "A"

Sr.	Type of Expenditure	Detailed Items	Expenditure
I	Recurring	1. Pay and Allowances of Balwadi Teachers @ of Rs. 150/- P.M. on ad hoc basis per month.	Rs. 1800-00
		2. Pay of Helper at the rate of 50-00 P.M. Fixed.	Rs. 600-00

Sr.	Type of Expenditure	Detailed Items	Expenditure
		3. Dietary Charges for Balwadi Children @ of 20 paise for 25 children for 300 days.	Rs. 1500-00
		4. Rent for accommodation @ Rs. 25-00 P.M. Fixed.	Rs. 300-00
		Total .....	Rs. 4400-00
		Miscellaneous grant-in-aid @ 90% the total expenditure of Rs. 4400-00 vide items (i) to (iv) above.	Rs. 3780-00
II	Non-Recurring	Purchase of Furniture for Balwadi (100%) grant.	Rs. 600-00

By order and in the name of the Administrator of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 15th March, 1978.

## Law Department (Legal Advice)

## Notification

LD/769/78

The following Central Act namely: — The Inland Steam-Vessels (Amendment) Act, 1977 (Act No. 35 of 1977) which was recently passed by the Parliament and assented to by the President of India on 7-12-1977 and published in the Gazette of India, Part II, Section I dated 7-12-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 13th February, 1978.

## The Inland Steam-Vessels (Amendment) Act, 1977

AN

ACT

*further to amend the Inland Steam-vessels Act, 1917.*

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Inland Steam-vessels (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of long title.* — In the Inland Steam-vessels Act, 1917 (hereinafter referred to as the principal Act), in the long title, for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted. 1 of 1917.

3. *Amendment of preamble.* — In the preamble to the principal Act, for the words "inland steam-vessels", the words "inland vessels" shall be substituted.

4. *Amendment of section 1.* — In section 1 of the principal Act, in sub-section (1), for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

5. *Substitution of references to steam-vessel by mechanically propelled vessel.* — Throughout the principal Act, except in the long title, preamble and section 1, for the words "steam-vessel" and "steam-vessels", wherever they occur, the words "mechanically propelled vessel" and "mechanically propelled vessels" shall, respectively, be substituted.

6. *Amendment of section 2.* — Section 2 of the principal Act shall be renumbered as sub-section (1) thereof, and —

(i) in sub-section (1) as so renumbered —

(a) for clause (1), the following clause shall be substituted, namely: —

'(a) "inland vessel" or "inland mechanically propelled vessel" means a mechanically pro-

pelled vessel which ordinarily plies on any inland water;';

(b) clause (2) shall be lettered as clause (b);

(c) after clause (b) as so lettered, the following clause shall be inserted, namely: —

'(c) "mechanically propelled vessel" means every description of vessel propelled wholly or in part by electricity, steam or other mechanical power;';

(d) clauses (3) and (4) shall be lettered as clauses (d) and (e) respectively;

(e) clause (5) shall be omitted;

(f) clauses (6), (7) and (8) shall be lettered as clauses (f), (g) and (h) respectively;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely: —

"(2) Any reference to the Inland Steam-vessels Act, 1917, in any law for the time being in force or in any instrument or other document shall be construed as a reference to the Inland Vessels Act, 1917." 1 of 1917.

7. *Amendment of section 7.* — In section 7 of the principal Act,—

(i) in item (iii), the word "and" occurring at the end shall be omitted;

(ii) after item (iii), the following item shall be inserted, namely: —

"(iii) the nature and quantum of cargo which the mechanically propelled vessel is, in the judgment of the surveyor, fit to carry; and".

8. *Amendment of section 19E.* — In section 19E of the principal Act, in sub-section (2), for the words and figures "registered under the Indian Companies Act, 1913", the words and figures "within the meaning of section 3 of the Companies Act, 1956" shall be substituted. 7 of 1913.  
1 of 1956.

9. *Omission of section 19G.* — Section 19G of the principal Act shall be omitted.

10. *Amendment of section 19-I.* — In section 19-I of the principal Act,—

(i) in sub-section (2),—

(a) for the words "inland waters of more than one State", the words "inland waters of any other State" shall be substituted,

(b) the proviso shall be omitted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) When an inland mechanically propelled vessel registered in one State has been kept in another State for a period exceeding twelve months, the owner or master of the vessel shall make an application under section 19K to the registering authority, within whose jurisdiction the vessel then is, for the transfer of registry from the registering authority of the place where the vessel is registered."

11. *Amendment of section 19K.*— In section 19K of the principal Act,—

(i) in sub-section (1), for the words “the registering authority of the place where the vessel is registered”, the words “the registering authority of the State in which the vessel is kept” shall be substituted;

(ii) in sub-section (2), for the words “the registering authority of the intended place of registry with a copy of all particulars relating to the vessel”, the words “the registering authority of the place where the vessel is registered” shall be substituted;

(iii) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) The certificate of registration in respect of the vessel shall be delivered up to the registering authority of the intended place of registry along with the application.

(4) On receipt of the application under sub-section (1) and the prescribed fee, if any, the registering authority of the intended place of registry shall enter in its register book all the particulars relating to the vessel and grant a fresh certificate of registration in respect of the vessel and thenceforth such vessel shall be considered as registered at the new place of registry.

(5) A State Government may make rules under section 19R requiring the owner or master of an inland mechanically propelled vessel not registered within the State which is brought into or is, for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the inland mechanically propelled vessel and its registration as may be prescribed.”

12. *Amendment of section 19M.*— In section 19M of the principal Act, in sub-section (1), in the proviso, for the words and figures “also registered under the Merchant Shipping Act, 1894, as amended by any subsequent enactment”, the words and figures “registered or deemed to be registered under the Merchant Shipping Act, 1958” shall be substituted.

57 and 58  
Vict., c. 60.

44 of 1958.

13. *Insertion of new section after section 19Q.*— After section 19Q of the principal Act, the following section shall be inserted, namely:—

‘19QA. *Mortgage of mechanically propelled vessel or share.*— The provisions of sections 47, 48, 49, 50, 51, 52 and 53 of the Merchant Shipping Act, 1958, shall *mutatis mutandis* apply, in relation to the mortgage of a mechanically propelled vessel as they apply in relation to ships, subject to the following modifications, namely:—

44 of 1958.

(a) in sections 47, 48, 49, 50, 51, 52 and 53, references to “ship”, “registrar” and “register book”, wherever they occur, shall, respectively, be construed as references to “mechanically propelled vessel”, “registering authority” and “book of registration”;

(b) in section 47, in sub-section (1), for the words “the registrar of the ship’s port of re-

gistry shall record it in the register book”, the words “the registering authority shall record it in the book of registration” shall be substituted.’

14. *Amendment of section 19R.*— In section 19R of the principal Act, in sub-section (2),—

(a) after clause (f), the following clause shall be inserted, namely:—

“(fa) prescribe the authority and provide for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registration under sub-section (5) of section 19K;”;

(b) after clause (g), the following clause shall be inserted, namely:—

“(ga) provide for the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage;”.

15. *Insertion of new section after section 19R.*— After section 19R of the principal Act, the following section shall be inserted, namely:—

“19S. *Certain certificates issued under Merchant Shipping Act to be valid under this Act.*— Every certificate of registry and every certificate of survey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958, shall be valid and effective as a certificate of registration or certificate of survey, as the case may be, issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to an inland mechanically propelled vessel registered under this Act.”

44 of 1958.

16. *Amendment of section 22.*— In section 22 of the principal Act, in sub-section (1), for the words and figures “before the first day of April, 1890”, the words and figures “for a period of three years before the first day of November, 1956” shall be substituted.

17. *Amendment of section 22A.*— In section 22A of the principal Act, in sub-section (1), in clause (b), for the words and figures “certificate granted under the Indian Steamships Act, 1884”, the words and figures “certificate granted or deemed to be granted under the Merchant Shipping Act, 1958” shall be substituted.

7 of 1884.

44 of 1958.

18. *Amendment of section 25.*— In section 25 of the principal Act,—

(i) in clause (a), for the words and figures “certificate granted under the Indian Merchant Shipping Act, 1859, or granted under, or continued in force by, the Merchant Shipping Act, 1894”, the words and figures “certificate granted or deemed to be granted under the Merchant Shipping Act, 1958” shall be substituted;

1 of 1859.

57 & 58  
Vict., c. 60.

44 of 1958.

(ii) in clause (b), for the words and figures “or the Indian Steam-ships

Act, 1884, or granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "or granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted.

7 of 1884.  
57 & 58  
Vict., c. 60.  
44 of 1958.

19. *Amendment of section 26.*—In section 26 of the principal Act, in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted;

7 of 1884.  
44 of 1958.

20. *Amendment of section 28.*—In section 28 of the principal Act,—

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act, 1859, or granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "certificate granted or deemed under the Merchant Shipping Act, 1958" shall be substituted;

1 of 1859.  
57 & 58  
Vict., c. 60.  
44 of 1958.

(ii) clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884, or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" shall be substituted.

7 of 1884.  
57 & 58  
Vict., c. 60.  
44 of 1958.

21. *Amendment of section 33.*—In sub-section (1) of section 33 of the principal Act, for the portion beginning with the words "If a formal investigation" and ending with the words "the State Government may", the following shall be substituted, namely:—

"Whenever the State Government is satisfied that it is necessary or expedient to have a formal investigation into the facts of any case reported under section 32 or otherwise brought to its notice, the State Government may".

22. *Insertion of new Chapter IVA.*—After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

#### "CHAPTER IVA

##### Removal of Obstructions and similar hazards in navigation

44A. *Raising of or removal of wreck impeding navigation, etc.*—If any mechanically propelled vessel or other vessel is wrecked, stranded or sunk in any inland water or is likely to become obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarkment or part thereof, any officer empowered by the State Government by notification in the Official Gazette in this behalf (hereafter in this Chapter referred to as competent officer) shall cause the vessel to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.

(2) If any property recovered by a competent officer acting under sub-section (1) is unclaimed or the person claiming it fails to pay reasonable

expenses incurred by the competent officer under that sub-section and a further sum of twenty-five per cent. of the amount of such expenses, the competent officer may sell the property by public auction, if the property is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than two months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the competent officer out of the sale proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to the person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the competent officer on demand, and if the deficiency be not paid within one month of such demand, the competent officer may recover the deficiency from such owner as if it were an arrear of land revenue.

#### 44B. *Removal of obstruction in inland water.*—

(1) The competent officer may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of the inland water, which, in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarkment or part thereof.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The competent officer or any magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

44C. *Recovery of expenses of removal.*—If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the State Government may, by general or special order direct, the competent officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person appears, shall cause the same to be kept and deposited in such manner as the State Go-

vernment directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials as may remain unsold.

44D. *Removal of lawful obstruction.* — (1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall, with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising out of or concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

44E. *Fouling of Government moorings.* — (1) If any mechanically propelled vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master of such vessel shall not, nor shall any other person, except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the competent officer.

(2) The competent officer immediately on receiving information of such accident, shall assist and superintend the clearing of such vessel and the master of the vessel shall, on demand, pay such reasonable expenses as may be incurred in clearing the same.

(3) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees."

23. *Amendment of section 45.* — In section 45 of the principal Act, after clause (b), the following clause shall be inserted, namely: —

"(bb) if the holder of such certificate is proved to have deserted his vessel or has absented himself, without leave and without sufficient reason, from his vessel or from his duty; or".

24. *Amendment of section 53.* — In section 53 of the principal Act, in sub-section (5), for the words and figures "section 59 of the Code of Criminal Procedure, 1898", the words and figures "section 43 of the Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898.  
2 of 1974.

25. *Amendment of section 54A.* — In section 54A of the principal Act, —

(i) in sub-section (1), in clauses (a), (b) and (c), for the words "per mile", the words "per kilometre" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) In case of any dispute relating to the fixation of the maximum or the minimum rate

per kilometre which may be charged in respect of any class of passengers or of freight on goods of any description carried in inland mechanically propelled vessel between any stations lying in two States, any one of the States may report the matter to the Central Government who shall decide the same."

26. *Insertion of new Chapter VIA.* — After Chapter VI of the principal Act, the following Chapter shall be inserted, namely: —

#### 'CHAPTER VIA

##### Insurance of mechanically propelled vessels against third party risks

54C. *Application of Chapter VIII of the Motor Vehicles Act, 1939, in relation to the insurance of mechanically propelled vessels.* — The provisions of Chapter VIII of the Motor Vehicles Act, 1939, shall *mutatis mutandis* apply, in relation to the insurance of mechanically propelled vessels against third party risks as they apply in relation to motor vehicles, subject to the following modifications, namely: — 4 of 1939.

(a) throughout in Chapter VIII, —

(i) references to "motor vehicle" or "vehicle" shall be construed as references to "mechanically propelled vessel";

(ii) references to "public place" shall be construed as references to "inland water",

and such other consequential amendments as the rules of grammar may require shall also be made;

(b) in section 94, —

(i) in sub-section (3), for clause (c), the following clause shall be substituted, namely: —

"(c) any State Water Transport Undertaking providing inland water transport service, where such Undertaking is carried on by —

(i) the Central Government or a State Government;

(ii) any local authority or any corporation or company owned by the Central Government or one or more State Governments or by the Central Government and one or more State Governments;"

(ii) in the *Explanation*, in item (iii), for the words "State Transport", the words "State Water Transport" shall be substituted;

(c) in section 95, —

(i) in sub-section (1), —

(A) in clause (b), in sub-clause (ii), for the words "of a public service vehicle", the words and brackets "of a mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward (hereinafter referred to as a public service vessel)" shall be substituted,

(B) in the proviso, in clause (i), for sub-clauses (b) and (c), the following sub-clauses shall be substituted, namely:—

“(b) if it is a public service vessel, engaged as a conductor of the vessel or in examining tickets on the vessel, or

(c) if it is a vessel used or adapted for the carriage of goods solely or in addition to passengers (hereinafter referred to as goods service vessel), being carried in the vessel, or”;

(ii) in sub-section (2),—

(A) in clause (a), for the words “goods vehicle, a limit of fifty thousand rupees”, the words “goods service vessel, a limit of two lakhs and fifty thousand rupees” shall be substituted,

(B) in clause (b),—

(1) in sub-clause (i), for the words “fifty thousand rupees”, the words “two lakhs and fifty thousand rupees” shall be substituted;

(2) in sub-clause (ii),—

(a) in paragraph (3), for the words “one lakh”, the words “five lakhs” shall be substituted;

(b) in paragraph (4), the words “where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case” shall be omitted;

(C) in clause (d), for the words “a limit of rupees two thousand”, the words “a limit of ten thousand rupees” shall be substituted;

(d) in section 96,—

(i) in sub-section (2), in clause (b),—

(A) for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) a condition excluding the use of the mechanically propelled vessel—

(a) for hire or reward, where the vessel is on the date of the contract of insurance, a vessel not covered by a certificate of registration, or

(b) for organised racing or speed testing, or

(c) for a purpose not allowed by the certificate of registration under which the vessel is used, where the vessel is a public service vessel or a goods service vessel, or”;

(B) in sub-clause (ii),—

(1) for the words “not duly licensed”, the words and figures “not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917” 1 of 1917. shall be substituted,

(2) for the words “a driving licence”, the words and figures

“a certificate granted under Chapter III of the Inland Vessels Act, 1917” shall be substituted; 1 of 1917.

(ii) in sub-section (2A), after the words “obtained from a Court”, the words “in the State of Jammu and Kashmir or” shall be inserted;

(iii) in the proviso to sub-section (2A) and in sub-section (6), after the words “corresponding law”, the words “of the State of Jammu and Kashmir or” shall be inserted;

(e) after section 105, the following section shall be inserted, namely:—

“105A. *Duty of driver in case of accident and injury to a person.*—When any person is injured or any property of third party is damaged as a result of an accident in which an inland mechanically propelled vessel is involved, the master or the driver of the vessel or other person in charge of the vessel shall—

(a) take all reasonable steps to secure medical attention for the injured person, and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police station as soon as possible, and in case within twenty-four hours of the occurrence.”;

(f) in section 106,—

(A) in sub-section (2), for the word and figures “section 89”, the word, figures and letter “section 105A” shall be substituted;

(B) in sub-section (2A), in the proviso, for the words “transport vehicle”, the words “public service vessel or goods service vessel” shall be substituted;

(g) in section 107, for the words “whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either”, the words “for a certificate of survey or a certificate of registration in respect of such vessel to produce such evidence as may be prescribed to the effect that either” shall be substituted;

(h) in section 108,—

(A) for the words “transport vehicle”, wherever they occur, the words “public service vessel or goods service vessel” shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(B) in sub-section (1), in clause (a),—

(1) for the words “twenty-five thousand rupees for the first fifty vehicles”, the words “one lakh rupees for the first fifty mechanically propelled vessels” shall be substituted,



(2) for the words "one hundred and fifty thousand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted;

(i) for section 110 to section 110B, the following sections shall, respectively, be substituted, namely: —

"110. *Claims Tribunals.* — (1) The State Government may, by notification in the Official Gazette, constitute one or more Inland Vessels Accidents Claims Tribunals (hereinafter referred to as the Claims Tribunals) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both:

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees ten thousand the claimant may, at his option, refer the claim to a civil court for adjudication and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he —

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a Judge of the High Court.

(4) Where two or more Claims Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

110A. *Application for compensation.* — (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 110 may be made —

(a) by the person who has sustained the injury, or

(b) where death has resulted from the accident, by all or any of the legal representatives of the deceased, or

(c) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who

have not so joined, shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

110AA. *Option regarding claim for compensation in certain cases.*

— Notwithstanding anything contained in the Workmen's Compensation Act, 1923, where the death or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.

8 of 1923.

110B. *Award of Claims Tribunal.* — On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them, as the case may be."

(j) in section 110C, for the words, figures and letters "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", the words, figures and letters "section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.

2 of 1974.

27. *Amendment of section 58.* — In section 58 of the principal Act, for the words "ten rupees", the words "one hundred rupees" shall be substituted.

28. *Insertion of new section 58A.* — After section 58 of the principal Act, the following section shall be inserted, namely: —

"58A. *Penalty for carrying excessive quantity of cargo on board.* — If an inland mechanically propelled vessel has on board or in any part thereof cargo which is in excess of the cargo set forth in the certificate of survey as the quantity of cargo which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and

the master shall, each, in addition to the penalty to which he may be liable under the provisions of section 58, be punishable with fine which may extend —

(a) in the case of first offence, to five hundred rupees;

(b) in the case of any second or subsequent offence, to one thousand rupees.”

29. *Insertion of new sections after section 62.* — After section 62 of the principal Act, the following sections shall be inserted, namely: —

“62A. *Punishment for offences relating to accident.* — If the master or the driver or other person in charge of the inland mechanically propelled vessel fails to report an accident in which his vessel is involved as required under Chapter VIA, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both, or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

62B. *Penalty for using uninsured mechanically propelled vessel.* — If any person uses a mechanically propelled vessel or causes or allows a mechanically propelled vessel to be used without a policy of insurance complying with the requirements of Chapter VIA, he shall be punishable with fine which may extend to one thousand rupees.

62C. *Penalty for neglect or refusal to give information as to insurance or to produce certificate of insurance.* — If any person without reasonable cause neglects or refuses to give information as to insurance or to produce the certificate of insurance under the provisions contained in Chapter VIA, he shall be punishable with fine which may extend to one hundred rupees.”

30. *Insertion of new sections after section 63.* — Section 63A of the principal Act shall be renumbered as section 63D and before section 63D as so renumbered, the following sections shall be inserted, namely: —

“63A. *Desertion and absence without leave.* —

If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be liable to be punished summarily as follows:—

(a) if he deserts from his mechanically propelled vessel, he shall be guilty of the offence of desertion and be liable to forfeit all or any of the property he leaves on board of the vessel and of wages he has then earned and also to imprisonment which may extend to three months;

(b) if he neglects or refuses, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel or is absent without leave at any time within twenty-four hours of the vessel sailing from a port or ghat either at the commencement or during the progress of a voyage or is absent at any

time without leave and without sufficient reason from his vessel or from his duty, he shall, if offence does not amount to desertion or is not treated as such by the master, be guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months.

63B. *General offences against discipline.* — If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be guilty of an offence against discipline and he shall be liable to be punished summarily as follows: —

(a) if he quits the mechanically propelled vessel without leave after her arrival at the port or ghat or port or ghat of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

(b) if he is guilty of wilful disobedience to any lawful command or neglect of duty, he shall be liable to forfeit out of his wages a sum not exceeding two days' pay;

(c) if he is guilty of continued wilful disobedience to lawful command or continued wilful neglect of duty, he shall be liable to imprisonment which may extend to one month and also to forfeit over every twenty-four hours continuance of disobedience or neglect either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute;

(d) if he assaults the master or any other officer of the vessel, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;

(e) if he combines with any of the officers to disobey to lawful commands or to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;

(f) if he wilfully damages his mechanically propelled vessel or commits criminal misappropriation or breach of trust in respect of or wilful damages to any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss sustained and also imprisonment which may extend to three months.

63C. *Entry of offence in official log-book.* — If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed or if any act of misconduct is committed for which the offender's agreement imposes fine and it is intended to enforce the fine, —

(a) an entry of the offence or acts shall be made in the official log-book and signed by the master and one of the persons employed or engaged in any capacity on board of the mechanically propelled vessel;

(b) the offender shall be furnished with a copy of the entry and have the same read over



distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit;

(c) a statement of a copy of the entry having been so furnished and entry having been so read over and the reply, if any, made by the offender shall likewise be entered and signed in the manner aforesaid;

(d) in any subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and, in default of such production or proof, the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct."

31. *Substitution of new section for section 69.* — For section 69 of the principal Act, the following section shall be substituted, namely: —

"69. *Exemption to Government vessels from fees.* — The State Government may, by notification in the Official Gazette, exempt all or any mechanically propelled vessel belonging to or in the service of Government from payment of any fees payable by or under this Act."

32. *Amendment of section 72A.* — In section 72A of the principal Act, —

(i) for the words "of a province in Pakistan", the words "of Bangladesh" shall be substituted;

(ii) for the words "that Dominion", the words "that country" shall be substituted.

33. *Omission of section 73.* — Section 73 of the principal Act shall be omitted.

34. *Amendment of section 74.* — In section 74 of the principal Act, —

(i) in sub-section (1), for the words "on a State Government", the words "on the Central Government or a State Government" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

#### Notification

LD/21/78

The following Notifications received from the Government of India, Ministry of Industry New Delhi

are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 4th March, 1978.

#### GOVERNMENT OF INDIA

#### MINISTRY OF INDUSTRY

(Department of Industrial Development)

(Central Boilers Board)

New Delhi, the 18th January, 1978

#### Notification

G. S. R. — The following drafts of certain regulations further to amend the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is hereby published, as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration at the end of three months from the date the Gazette containing this notification of publication is made available to the public.

2. Any objections or suggestions which may be received from any person with respect to the said draft within the period so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industry (Department of Industrial Development), Udyog Bhavan, New Delhi.

#### DRAFT REGULATIONS

1. These regulations may be called the Indian Boiler (Amendment) Regulations, 1976.

2. In the Indian Boiler Regulations, 1950,

(i) in regulation 9 after clause (d) the following clause shall be inserted, namely: —

"(c) semi-killed Steel may be used for plates in C and C-Mn Steel with an upper limit of the tensile strength not exceeding 56 Kg/mm<sup>2</sup> and with thickness not exceeding 50 mm under service temperature condition 0-50° C."

(ii) after regulation 13A, the following regulations shall be inserted, namely: —

"13. B. Testing and certification of semi-killed steel for which all tests not carried out in a steel plant — Where a steel plant has not been able to carry out all the tests required under the regulations for testing the semi-killed steel, the steel plant may supply such steel with a certificate in respect of such tests which have not been possible for them to conduct in order to get the steel certified under the regulations and in such a case it is open to the manufacturers to take such steel which has the potentialities of the semi-killed steel to any of the independent testing laboratories, namely, National, Metallurgical Laboratory, Jamshedpur, Central Mechanical Engineering Research Institute, Durgapur

and National Test Houses, Alipore or Sewri for conducting the remaining tests provided that samples are drawn in the presence of the Inspecting Authority. Such remaining tests may also be conducted at the Bharat Heavy Electricals Ltd., Tiruchirapally in respect of plates intended for their use.

If a certificate of test is furnished by the steel makers in respect of tests carried out by them and another certificate is furnished in respect of remaining tests conducted by any one of the independent testing laboratories or the Bharat Heavy Electricals Limited, Tiruchirapally, the plates should be accepted by the Inspecting Authority or the Chief Inspectors of Boilers of the State provided all the requirements of the regulations are covered by the these certificates."

Sd/-

(S. C. DEV)

Secretary, Central Boilers Board.

F. No. 12(1)/73-Boilers.

New Delhi, the 21st January, 1978

#### Notification

The following draft of certain regulations further to amend the Indian Boiler Regulations, 1950, which the central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is hereby published, as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration at the end of three months from the date the Gazette containing this notification of publication is made available to the public.

2. Any objection or suggestions which may be received from any person with respect to the said draft within the period so specified will be considered by the central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industrial (Department of Industrial Development), Udyog Bhavan, New Delhi.

#### DRAFT REGULATIONS

1. These regulations may be called the Indian Boilers (Amendment) Regulations, 1978.

2. In the Indian Boiler Regulations, 1950, in appendix 'G', in the list of "Well known Steel Makers", the following shall be added at the end, namely:—

"72. M/s Bokaro Steel Ltd;  
Main Administrative Building,  
Bokaro Steel City-1.  
Distt: Dhanbad (Bihar)".

Sd/-

(S. C. DEY)

Secretary, Central Boilers Board.

F. No. 8(6)/77-Boilers.

#### Legislative Assembly of Goa, Daman and Diu

#### Legislature Department

LA/B/7/454/78

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 20th March, 1978 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Sales Tax (Amendment) Bill, 1978

(Bill No. 1 of 1978)

A

#### BILL

further to amend the Goa, Daman and Diu Sales Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Sales Tax (Amendment) Act, 1978.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new section 7A.*—After section 7 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) (hereinafter referred to as the "principal Act"), the following section shall be inserted, namely:—

"7A. *Levy of additional tax.*—(1) There shall be levied and collected from every dealer liable to pay tax under this Act and whose gross turnover of sales exceeds ten lakhs of rupees in a year, an additional tax at the rate of ten paise in the rupee on the sales tax payable by such dealer for that year under this Act:

Provided that, in calculating the additional tax payable by the dealer, the tax payable under this Act in respect of sales of declared goods specified in section 14 of the Central Sales Tax Act, 1956 shall not be taken into consideration. (Central Act 74 of 1956)

(2) Notwithstanding anything contained in this Act, no dealer shall be entitled to collect any sum by way of additional tax payable by him under this section.

(3) The provisions of this Act and the Rules made thereunder shall, so far as may be, apply in relation to the additional tax as they apply in relation to the tax payable under this Act."

3. *Amendment of section 30.*—In sub-section (1) of section 30 of the principal Act, clause (a) shall be renumbered as clause (aa) and before the clause so renumbered, the following clause shall be inserted, namely:—

"(a) contravenes the provisions of sub-section (2) of section 7A; or"

4. *Amendment of section 31A.* — In section 31A of the principal Act, after the expression "contravention of the provisions" and before the expression "of section 16" the expression "of sub-section (2) of section 7A or" shall be inserted.

5. *Amendment of section 32.* — In sub-section (1) of section 32 of the principal Act, for the expression "committed is under clause (a)" the expression "committed is under clause (aa)" shall be substituted.

#### Statement of Objects and Reasons

In order to meet the increasing expenditure on various development and welfare schemes, it is felt necessary to raise additional revenue. Clause 2 of the Bill seeks to provide for levy and collection of additional tax on the sales tax payable by dealers having gross turnover of sales during a year above the specified limit.

Similar amendments have already been carried out in Maharashtra, Tamilnadu and Karnataka States.

#### Financial Memorandum

No additional expenditure is involved due to the proposed amendment since the existing machinery will carry out the work which may result on account of the proposed amendments.

Panaji, SMT. SHASHIKALA G. KAKODKAR  
8th March, 1978 Chief Minister

Assembly Hall, M. M. NAIK  
Panaji, Secretary to the Legislative As-  
14th March, 1978 sembly of Goa, Daman and Diu.

#### (Annexure to Bill No. 1 of 1978)

The Goa, Daman and Diu Sales Tax (Amendment) Bill, 1978

The Goa, Daman and Diu Sales Tax Act, 1964  
(Act No. 4 of 1964)

#### 30. Offences and penalties. — (1) Whoever —

(a) carries on business as a dealer in contravention of sub-section (1) of section 11; or

(b) fails, without sufficient cause, to submit any return as required by sub-section (2) of section 15 or submits a false return; or

(c) being a registered dealer, falsely represents when purchasing any class of goods, that goods of such class are covered by his certificate of registration; or

(d) not being a registered dealer, falsely represents when purchasing goods that he is a registered dealer; or

(e) contravenes the provisions of section 16; or

(f) fails, when required so to do under section 20, to keep prescribed accounts or records of sales; or

(g) refuses to comply with any requirement made of him under sub-section (1) of section 21; or

(h) knowingly produces incorrect accounts, registers or documents, or knowingly furnishes incorrect information; or

(i) obstructs any officer making an inspection or a search or a seizure under section 21; or

(j) neglects to furnish any information required by section 23;

shall be punishable with simple imprisonment which may extend to six months or with fine or with both, and when the offence is a continuing one, with a daily fine not exceeding fifty rupees during the period of the continuance of the offence:

Provided that no prosecution for an offence against this Act shall be instituted in respect of the same facts in respect of which a penalty has been imposed under section 17 or section 31.

(2) No Court shall take cognizance of any offence under this Act, or under the rules made thereunder except with the previous sanction of the Commissioner, and no Court inferior to that of a Magistrate of the first class shall try any such offence.

(3) All offences punishable under this Act shall be cognizable and bailable.

31A. *Penalty for contravening provisions regarding collection of tax by dealers.* — If the Commissioner is satisfied that any person has acted in contravention of the provisions of section 16, he may, after giving such person a reasonable opportunity of being heard direct him to pay, by way of penalty, a sum not exceeding one and a half times the tax collected in contravention of the said provision.

32. *Compounding of offences.* — (1) Subject to such conditions as may be prescribed, the Commissioner may accept from any person alleged to have committed an offence under sub-section (1) of section 30 or under any rules made under this Act, either before or after the commencement of any proceedings against such person in respect of such offence, by way of composition for such offence, a sum not exceeding five thousand rupees or where the offence alleged to have been committed is under clause (a) or clause (b) of that sub-section, not exceeding double the amount of the tax which would have been payable by such person had he complied with the provisions of the Act, whichever is greater.

(2) On payment in full of such sum as may be determined by the Commissioner under sub-section (1) —

(a) no proceedings shall be commenced against such person as aforesaid; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with.

Assembly Hall, M. M. NAIK  
Panaji, Secretary to the Legislative  
14th March, 1978. Assembly of Goa, Daman and Diu.

LA/B/7/455/78

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 20th March, 1978 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1978

(Bill No. 2 of 1978)

#### A BILL

further to amend the Goa, Daman and Diu Excise Duty Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1978.

(2) It shall come into force at once.

2. *Insertion of new section 10A.* — After section 10 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964), the following shall be inserted namely: —

“10A. *Prohibition of publication of advertisements relating to liquor.* — (1) No person shall advertise in any manner or form, whatsoever, or distribute any advertisement or other matter relating to liquor, —

(a) which solicits the use of or offers any liquor;

(b) which is calculated to or is likely to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act or to commit a breach of or to evade the provision of any rule, regulation or order made thereunder or the conditions of any licence, permit, pass or authorisation granted thereunder.

(2) Nothing in this section shall apply to: —

(a) catalogues or price lists which may be generally or specially approved by the Commissioner in this behalf;

(b) any other advertisement or matter which the Government, by notification in the Official Gazette, generally or specially exempt from the operation of this section.”

#### Statement of Objects and Reasons

The local manufacturers as also the manufacturers outside the territory are putting up hoardings etc. to advertise their brands of liquor. These advertisements induce younger generation to use alcoholic drinks. As there is no provision either in the Excise Duty Act or in any other law for effectively banning such advertisements the Bill proposes to insert a new Section in the Goa, Daman and Diu Excise Duty Act, 1964 to prohibit advertisements of liquor.

#### Financial Memorandum

The Bill deals with the banning of advertisements of liquor and can be enforced effectively with the present set up of the Excise Department and hence no additional financial expenditure is involved. However the loss by way of revenue to the local institutions like the Municipalities and Village Panchayats may have to be made up by tapping other resources at their disposal.

Panaji, Smt. SHASHIKALA G. KAKODKAR  
10th March, 1978 Chief Minister

Assembly Hall, M. M. NAIK  
Panaji, Secretary to the Legislative Assembly  
14th March, 1978 of Goa, Daman and Diu.

LA/B/7/456/78

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on

20th March, 1978 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Prevention of Cow Slaughter Bill, 1978

(Bill No. 3 of 1978)

#### A BILL

*to prohibit slaughter of cows in the Union territory of Goa, Daman and Diu.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa, Daman and Diu Prevention of Cow Slaughter Bill, 1978.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) “beef” means flesh of cow in any form but does not include flesh of cow contained in sealed containers and imported into the Union territory of Goa, Daman and Diu;

(b) ‘cow’ includes a bull, bullock, ox, heifer or calf;

(c) ‘Government’ means the Government of Goa, Daman and Diu;

(d) ‘slaughter’ means killing by any method whatsoever;

(e) ‘notification’ means a notification published in the Official Gazette and the word ‘notified’ shall be construed accordingly;

(f) ‘prescribed’ means prescribed by rules made under this Act.

3. *Prohibition of cow slaughter.* — Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place in the Union territory of Goa, Daman and Diu:

Provided that nothing in this section shall apply to the slaughter of an ox or bullock which has been certified by a Veterinary Officer to have become unserviceable:

Provided further that killing of a cow by accident or in self defence will not be considered as slaughter under the Act.

4. *Exceptions.* — (1) Nothing in section 3 shall apply to the slaughter of a cow, —

(a) whose suffering is such as to render its destruction desirable according to the certificate of the Veterinary Officer of the area or such other Officer of the Animal Husbandry Department as may be prescribed; or

(b) which is suffering from any contagious or infectious disease notified as such by the Government; or

(c) which is subjected to experimentation in the interest of medical and public health research by a certified medical practitioner of the Animal Husbandry Department.

(2) Where it is intended to slaughter a cow for the reasons specified in clause (a) or clause (b) of sub-section (1), it shall be incumbent for a person doing so to obtain the prior permission in writing of the Veterinary Officer of the area or such other Officer of the Animal Husbandry Department as may be prescribed.

5. *Prohibition of sale of beef.*—Except as herein excepted and notwithstanding anything contained in any other law for the time being in force, no person shall sell or offer for sale or cause to be sold beef or beef-products in any form except for such medicinal purposes as may be prescribed.

Provided that nothing in this section shall apply to sale of beef obtained by slaughtering an ox or bullock under first proviso to section 3.

6. *Establishment of institutions.*—There shall be established by the Government or by any local authority, when so directed by the Government, institutions for the reception, maintenance and care of uneconomic cows.

7. *Levy of charges of fees.*—The Government or the local authority, if so authorised, may levy such fees as may be prescribed for care and maintenance of uneconomic cows in the institution.

8. *Penalty.*—(1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or 5 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Whoever contravenes the provisions of sub-section (2) of section 4 shall be guilty of an offence punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to two hundred rupees or with both.

(3) In any trial for an offence punishable under sub-section (1) or sub-section (2) the burden of proving that the slaughtered cow belonged to the class specified in clause (a) or (b) of sub-section (1) of section 4 shall be on the accused.

9. *Offences to be cognisable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) an offence punishable under sub-section (1) of section 8 shall be cognisable and non-bailable.

10. *Power to make rules.*—The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for,—

(a) the conditions and the circumstances under which cows may be slaughtered under sub-section (1) of section 4;

(b) the manner in which diseases shall be notified under clause (b) of sub-section (1) of section 4;

(c) the manner in which permission shall be obtained under sub-section (2) of section 4;

(d) the form and contents of the certificate mentioned in clause (a) of sub-section (1) of section 4 and the authorities competent to grant it;

(e) the manner in which and conditions under which beef or beef-products are to be sold under section 5;

(f) the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in section 6;

(g) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and

(h) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in such rule or that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### Statement of Objects and Reasons

Though in the neighbouring States as also in other States in the Country legislations have been enacted to control slaughter of animals with a view to prohibit slaughter of cows, no legislation has yet been enacted in this territory. Taking into consideration the directive principles contained in article 48 of the Constitution and also other aspects including the fact that about 34% of the population in this territory consume beef, present legislation is being introduced to provide for total ban on slaughter of cows and control over slaughter of animals other than cow, as has been done in other States.

#### Financial Memorandum

The only financial implication would be for starting new institutions for uneconomic cows, where the local authorities fail to establish such institutions. The expenditure on this account cannot be ascertained at this stage.

#### Memorandum on Delegated Legislation

Clause 10 of the Bill empowers the Government to frame Rules for administering the Act. These are necessary powers and delegation is of normal character.

Panaji,  
10th March, 1978.

Assembly Hall,  
Panaji,  
14th March, 1978.

Shri VINAYAK CHODANKAR  
Minister for Agriculture

M. M. NAIK  
Secretary to the Legislative Assembly of Goa, Daman and Diu

LA/B/7/457/78

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 20th March, 1978 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa, Daman and Diu Barge (Taxation on Goods) Bill, 1978**

(Bill No. 4 of 1978)

A

BILL

*to provide for the levy of tax on goods carried in barges in inland waters of the Union territory of Goa, Daman and Diu.*

Whereas it is expedient to provide for levy of tax on goods carried in inland waters by barges in the Union territory of Goa, Daman and Diu.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Barge (Taxation on Goods) Act, 1978.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “barge” means every description of water craft mechanically propelled and which is used or capable of being used as means of transport of goods;

(2) “Government” means the Government of Goa, Daman and Diu;

(3) “goods” include minerals and anything carried by a barge except living persons, but does not include personal luggage of crew travelling in the barge and the equipment ordinarily used with the barge;

(4) “month” means a calendar month;

(5) “prescribed” means prescribed by the rules made under this Act;

(6) “registered owner” means a person in whose name a barge is registered under any law for the time being in force;

(7) “tax” means the tax referred to in section 3;

(8) “Tax Officer” means such officer as the Government may, by notification in the Official Gazette, appoint to be the Tax Officer for the whole of the Union territory of Goa, Daman and Diu or for any area or areas for the purposes of this Act and the Government may appoint more than one officer as Tax Officer for the whole of the Union territory of Goa, Daman and Diu or for any area.

3. *Levy of tax on Goods.*—On and from the date of commencement of this Act, there shall be levied and paid to the Government, on the goods transported by barges through such inland waterways or canals as may be notified by the Government, a tax at the rate of twenty paise per tonne or part thereof of the goods:

Provided that no tax shall be payable under this Act on goods belonging to the Government or Central Government.

4. *Submission of returns.*—(1) In respect of every barge owned by him, the registered owner or his representative shall deliver or cause to be delivered to the Tax Officer or to such prescribed officer as the Tax Officer may specify, a monthly return in the prescribed form and manner.

(2) When any return is received by a prescribed officer, he shall forward it to the Tax Officer within the prescribed period and in the prescribed manner.

5. *Tax to be paid every month into Government treasury.*—The tax payable during any month in accordance with the returns submitted under section 4 shall be paid into a Government treasury by the registered owner or his representative and the receipt evidencing such payment forwarded to the Tax Officer on or before such date or dates of the month immediately succeeding as may be prescribed.

6. *Procedure where no returns are submitted, etc.*—In the following cases, that is to say,—

(a) where no returns have been submitted by the registered owner or his representative in respect of any barge for any month or portion thereof; or

(b) where the returns submitted by the registered owner or his representative in respect of any barge for any month or portion thereof appear to the Tax Officer to be incorrect or incomplete;

the Tax Officer shall, after giving the registered owner a reasonable opportunity in case (a) of making his representation, if any, and in case (b) of establishing the correctness and completeness of the returns submitted by him or through his representative, determine the sum payable to the Government by the registered owner by way of tax during such month or portion thereof:

Provided that the sum so determined shall not exceed the maximum tax which would have been payable to the Government if the barge had carried its full complement of goods during such month or portion thereof.

7. *Taxes escaping assessment.*—If for any reason, the whole or any portion of the tax leviable under this Act, for any month has escaped assessment, the Tax Officer may, at any time within three years from the expiry of that month, assess the tax which had escaped assessment, after issuing a notice to the registered owner and making such enquiry as the officer may consider necessary.

8. *Penalty for non payment of tax.*—Where the whole or any portion of the tax payable to the Government in respect of any barge for any month or portion thereof in pursuance of sections 5, 6 and 7 has not been paid in time, the Tax Officer may, at



his discretion levy in addition to the tax so payable, a penalty not exceeding fifty per cent of the maximum tax which would have been payable to the Government if the barge had carried its full complement of goods during such month or portion thereof.

9. *Recovery of tax, etc.*— (1) In the cases referred to in sections 6, 7 and 8, the Tax Officer shall serve on the registered owner a notice of demand for the sums payable to the Government and the sums specified in such notice may be recovered from the registered owner as arrears of land revenue.

(2) Where the sums specified in the notice of demand are not paid within fifteen days from the date on which the notice was served on the registered owner, the barge in respect of which the tax is due and its accessories may be distrained and sold under the appropriate law relating to the recovery of arrears of land revenue, whether or not such barge is in the possession or control of the registered owner:

Provided that no distraint shall be made in pursuance of this sub-section except at the instance or with the consent of the Government or such officer as may be authorised by the Government in this behalf:

Provided further that no such distraint shall be made in pursuance of this sub-section unless the amount of tax due in respect of any barge exceeds five thousand rupees.

(3) Distraints under sub-section (2) may also be made by such officers or class of officers as the Government may, by general or special order, direct and the officer making any such distraint shall forward the proceedings thereof together with the distrained articles to the Collector for further action under sub-section (2).

10. *Appeal against demand.*— (1) Any registered owner objecting to a notice of demand served on him under section 9 may, within thirty days of the service thereof appeal to the prescribed authority:

Provided that no appeal shall be entertained unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due.

(2) The prescribed authority may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as it thinks fit.

11. *Maintenance of accounts and registers.*— Every registered owner shall keep and maintain accounts and registers in such forms as may be prescribed in respect of barges and the goods transported therein.

12. *Power to order production of accounts.*— The authority prescribed under sub-section (1) of section 10, the Tax Officer or any officer empowered in this behalf by the Government may, by order, require any registered owner to produce such accounts, registers and documents, and to furnish such information relating to the barge or the goods transported as may be specified in the order.

13. *Powers of entry and inspection.*— (1) Any officer authorised by the Government in this behalf may at all reasonable times enter into, inspect and

search any barge or any place ordinarily used by the registered owner for keeping such barge or keeping accounts of his business for the purposes of seeing or verifying whether the provisions of this Act or any rules made thereunder are being complied with.

(2) All searches made under sub-section (1) shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

14. *Composition of tax.*— (1) The Tax Officer may on application by the registered owner or his representative and subject to such conditions as may be prescribed, permit him to compound the tax assessable on him under this Act, by paying in lieu thereof, as fees an amount equivalent to the tax leviable on ninety percent of the assessed quantity of goods to be transported by a barge.

(2) The permission granted under sub-section (1) shall be in force for the period for which it is granted and in respect of that period, the provisions of this Act regarding submission of returns, accounts or other documents, the assessment to tax or any other matter incidental thereto shall not apply in relation to the grantee.

15. *Drawback, set off, refund, etc.*— (1) The Government may by rules provide that in such circumstances, and subject to such conditions as may be specified in such rules, a drawback, set-off or refund of the whole or any part of the tax on goods levied and collected under this Act, be granted to the registered owner by the prescribed authority, regard being had to the nature of the goods carried, the destination to which, and the purposes for which the goods are carried and such other factors as may be specified.

(2) The Tax Officer shall refund to the registered owner, in such manner as may be prescribed, the amount of tax and penalty if any, paid by such registered owner in excess of the amount due from him. The refund may be either by cash payment or at the option of the registered owner, by deduction of such excess from the amount of tax and penalty, if any, due in respect of any other period:

Provided that, the Tax Officer shall first apply such excess towards the recovery of any amount due in respect of which a notice under section 9 has been served on the registered owner, and shall then refund the balance, if any.

16. *Offences and penalties and competent court.*—

(1) Any person who:—

(a) being a registered owner, submits or allows to be submitted an incorrect or incomplete return under section 4 or fails to submit a return as required under that section; or

(b) being a registered owner, fraudulently evades or allows to be evaded, the payment of any tax due from him; or

(c) being a registered owner, fraudulently makes or allows to be made any wrong entry in, or fraudulently omits or allows to be omitted any entry from any statement submitted, or any accounts or register maintained by him; or

(d) wilfully acts in contravention of any of the provisions of this Act or any rules made thereunder or any lawful orders passed in accordance therewith;

shall, on conviction, be punishable with fine which may extend to five hundred rupees, and if the Magistrate so directs in his order, the person convicted shall pay in addition as if it were a fine, such specified amount as the Magistrate may determine to be the amount which the person convicted had evaded to pay.

(2) No offence punishable under this Act shall be inquired into or tried by any court inferior to that of a Judicial Magistrate of the First Class.

**17. Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer, as the case may be, shall be deemed to be guilty of that offence and shall also be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means a body corporate, and includes a firm or other association of individuals;

(b) “director” in relation to a firm, means a partner in the firm.

**18. Composition of offences.**—(1) The Tax Officer may, either before or after the institution of proceedings for any offence punishable under section 16, accept from any person charged with such offence by way of composition of the offence, where the offence charged consists of the evasion of the tax, a sum of money not exceeding double the amount of the tax recoverable, in addition to the amount of the tax so recoverable, and in other cases, a sum of money not exceeding two hundred and fifty rupees.

(2) On payment of such sum as may be determined by the Tax Officer under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence.

**19. Officers to be public servants.**—All officers acting under this Act, shall be deemed to be public servants, within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and the Prevention of Corruption Act, 1947 (Central Act 2 of 1947).

**20. Bar of certain proceedings.**—(1) No prosecution or other proceedings shall be instituted in a criminal court without the previous sanction of the Government against any officer or servant of the Government, for any act done or purporting to be done under this Act.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceedings, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

**21. Limitation for suits and prosecutions.**—No suit or other proceedings shall be instituted against the Government and no suit, prosecution or other proceedings shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within one year from the date of the act complained of.

**22. Power to make rules.**—(1) The Government may by notification in the Official Gazette and subject to the condition of previous publication make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the officer to receive returns under section 4 and the intervals, if any, at which returns under that section shall be submitted and the period within which and the manner in which such officer shall forward the returns to the Tax Officer;

(b) the maintenance of accounts and registers and the submission of returns and statements by registered owners;

(c) the manner of serving notices of demand under this Act;

(d) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act;

(e) the authority to which an appeal may be preferred under sub-section (1) of section 10;

(f) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act;

(g) any other matter which is required or allowed by this Act to be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following, the Legislative Assembly agrees in making any modification in such rule or that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### Statement of Object and Reasons

A substantial investment has been made for widening of the Cumbarjua canal, to make it navigable for the barges upto 1,000 tones D. W. T. at all tides by day and night and both ways. This will ensure that the monsoon does not adversely affect transportation of iron ore by the barges.

As the Cumbarjua Canal is a commercial project, investment in it with interest is to be recovered from the users. The planning Commission is insisting that additional taxes be levied on the users of the canal.

The Bill accordingly provides for the levy of a tax at the rate of Rs. 0.20 per tonne of iron ore actually carried in the barges which pass through the inland waterways or canals as may be notified by Government or allows the transporting barges the option of paying tax leviable on 90% of its assessed capacity as composite fees. This will be made applicable to barges carrying ore and passing through the Cumbarjua Canal.

#### Financial Memorandum

The Bill provides for the levy and payment to the Government of a tax on the goods transported by barges at the rate of twenty paise per tonne or part thereof (other than personal luggage of travelling crew and normal equipment) carried by a barge and passing through the inland waterways or canals as may be notified by Government.

The approximate annual Revenue accruals will be to the tune of 9 lakhs of Rupees.

The financial commitment in this respect is estimated at about Rs. 92,000/- for the first year and Rs. 20,000/- for the subsequent years.

#### Memorandum of Delegated Legislation

Clause 22 of the Bill enables the Government to make rules to carry out the purposes of this Act. This delegation is of normal character.

Panaji, Smt. SHASHIKALA G. KAKODKAR  
8th March, 1978. Chief Minister

Assembly Hall, M. M. NAIK  
Panaji, Secretary to the Legislative  
16th March, 1978. Assembly of Goa, Daman  
and Diu.

LA/B/7/458/78

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 20th March, 1978 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa, Daman and Diu Land Revenue Code (Amendment) Bill, 1978

(Bill No. 5 of 1978)

A

BILL

to amend the Goa, Daman and Diu Land Revenue Code, 1968

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Land Revenue Code (Amendment) Act, 1978.

(2) It shall come into force at once.

2. *Amendment of section 192.*—In section 192 of the Goa, Daman and Diu Land Revenue Code, 1968 (9 of 1969) after the words "The Government" and before the expression "or any revenue officer above the rank of a Mamlatdar", the expression "or such officer as the Government may specify in this behalf" shall be inserted.

#### Statement of Objects and Reasons

Under section 192 of the Goa, Daman and Diu Land Revenue Code, 1968 only the Government or any revenue officer above the rank of Mamlatdar or an Inspector of Surveys and Land Records can call for the records of any inquiry or proceeding before any revenue or survey officer. This Bill seeks to enable the Government to specify other officers also to exercise those powers.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
13th March, 1978.

SHRI SHANKAR LAAD  
Minister for Law and Revenue

Assembly Hall,  
Panaji,  
15th March, 1978.

M. M. NAIK  
Secretary to the Legislative Assembly  
of Goa, Daman and Diu.

#### (Annexure to Bill No. 5 of 1978)

The Goa, Daman and Diu Land Revenue Code (Amendment) Bill, 1978

The Goa, Daman and Diu Land Revenue Code, 1968  
(Act No. 9 of 1969)

192. *Revision.*—The Government or any revenue officer above the rank of a Mamlatdar or Inspector of Surveys and Land Records may, at any time, either on his own motion or on the application of any party, call for the records of any inquiry or proceedings before any revenue or survey officer subordinate to him for the purpose of satisfying itself or himself, as the case may be as to the legality or the propriety of any decision or order passed by such revenue or survey officer or as to the regularity of the proceedings of such officer and may pass such order in reference thereto as deemed fit or necessary.

Provided that the Government or such officer shall not vary or reverse any order affecting any question of right without having given to the parties interested notice to appear and to be heard in support of such order:

Provided also that no such record shall be called for after the expiry of one year from the date of the order sought to be revised or before the expiry of the appeal period or during the pendency of an appeal against such order.

Assembly Hall,  
Panaji,  
15th March, 1978.

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu.

LA/B/7/459/78

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on

20th March, 1978 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa, Daman and Diu Municipalities (Amendment) Bill, 1978**

(Bill No. 6 of 1978)

**A  
BILL**

*further to amend the Goa, Daman and Diu Municipalities Act, 1968.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Municipalities (Amendment) Act, 1978.

(2) It shall come into force at once.

2. *Amendment of section 16.*— In sub-section (1) of section 16 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) (hereinafter called the "Principal Act"), for the clause (a), the following shall be substituted, namely:—

"(a) has been convicted by a court in India, —

(i) for any offence and sentenced to imprisonment for not less than two years, unless a period of five years has elapsed since his release; or

(ii) for any offence under Protection of Civil Rights Act, 1955 (Central Act 22 of 1955); or".

3. *Amendment of section 101.*— In clause (a) of sub-section (1) of section 101 of the Principal Act, after the words "situated within municipal area", the words "other than those belonging to the Government or the Central Government," shall be inserted.

4. *Amendment of section 121.*— For section 121 of the Principal Act, the following shall be substituted and deemed to have always been so substituted, namely:—

"121. Primary responsibility for property taxes on whom to rest.— (1) The property taxes assessed upon any premises shall be primarily leviable as follows, namely:—

(i) from the lessor if the premises are let;

(ii) from the superior lessor if the premises are sub-let;

(iii) from the persons in whom the right to let the premises vest if they are unlet;

(iv) from the person in possession, if the premises are not let out to him;

(v) if the premises are held immediately from the Council, from the actual occupier thereof.

(2) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by

sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant".

5. *Amendment of section 197.*— In sub-section (1) of section 197 of the Principal Act, in clause (a), for the words "fifty feet" the words "fifty metres" shall be substituted.

**Statement of Objects and Reasons**

Government of India, Ministry of Home Affairs, have suggested to make necessary amendment to the Act governing local bodies to the effect that the persons convicted under Protection of Civil Rights Act, 1955 should be disqualified from contesting elections to such bodies. Amendment to section 16 of the Goa, Daman and Diu Municipalities Act, 1968 seeks to incorporate the above suggestion.

The land and buildings belonging to the Government have not been exempted from the purview of the Act and hence the Government is liable for the payment of the property tax on such lands and buildings to the Municipal Council. Amendment to section 101 and 121 of the Act seeks to exempt the Government buildings from taxation.

Also under section 197(1)(a) of the Goa, Daman and Diu Municipalities Act, 1968 the Chief Officer by written notice can call upon the owner to construct or lay on such building or land, a drain or pipe for the drainage of such building into some drain or sewer, if there be a suitable drain or sewer within 50 feet or any part of such building or land. In view of this provision, houses which are beyond 50 feet from main sewer cannot be compelled to connect to the drain. Amendment to section 197(1)(a) of the Act seeks to change 50 feet to 50 metres so that most of the house owners can be compelled to connect their houses to the sewer.

**Financial Memorandum**

No financial implications are involved in this Bill.

Panaji,  
13th March, 1978.

**SHRI SHANKAR LAAD**  
Minister for Law and Local  
Administration

Assembly Hall,  
Panaji,  
15th March, 1978.

**M. M. NAIK**  
Secretary to the Legislative Assembly  
of Goa, Daman and Diu.

**(Annexure to Bill No. 6 of 1978)**

**The Goa, Daman and Diu Municipalities (Amendment) Bill, 1978**

The Goa, Daman and Diu Municipalities Act, 1968  
(Act No. 7 of 1969)

16. *Disqualifications for becoming a Councillor.*— (1) No person shall be qualified to become a Councillor, whether by election, co-option or nomination, who—

(a) has been convicted by a court in India, or by a court in Goa, Daman and Diu before the 20th day of December, 1961, of any offence and sentenced to imprisonment for not less than two years, unless a period of five years has elapsed since his release; or

101. *Imposition of compulsory taxes.* — (1) Subject to any general or special orders which the Government may make in this behalf, a Council shall impose, for the purposes of this Act, the taxes listed below:—

(a) a consolidated property tax on lands or buildings or both situated within municipal area, based on their rateable value as determined in accordance with section 110;

(b) a tax on professions, trades, calling and employments;

(c) a theatre tax;

(d) a tax on advertisements other than advertisements published in the newspapers;

Provided that the maximum and minimum rates at which the taxes aforesaid shall be levied in different classes of municipal areas and other matters relating to imposition, assessment, collection and exemptions thereof shall be such as may be prescribed by rules.

121. *Primary responsibility for property taxes on whom to rest.* — (1) Subject to the provisions of sub-section (2), property taxes assessed upon any premises shall be primarily leviable as follows, namely:—

(a) if the premises are held immediately from the Government or from the Council, from the actual occupier thereof;

Provided that property taxes due in respect of buildings vesting in the Government and occupied by servants of the Government or other persons on payment of rent shall be leviable primarily from the Government;

(b) if the premises are not so held —

(i) from the lessor if the premises are let;

(ii) from the superior lessor if the premises are sub-let;

(iii) from the person in whom the right to let the premises vests if they are unlet;

(iv) from the person in possession, if the premises are not let out to him.

(2) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.

197. *Power to require sufficient drainage of houses.* — (1) If any building or land be at any time undrained, or not drained to the satisfaction of the Chief Officer, the Chief Officer, subject to the control of the Council, may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials,

at such level, and with such fall as he may think necessary for the drainage of such building or land into —

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land; or

(b) a covered cesspool to be provided by such owner and approved by the Chief Officer.

Assembly Hall,  
Panaji,  
15th March, 1978.

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu.

## Government Press

### Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1978, which is the close of the financial year.

In case they wish to continue to be subscribers for the ensuing financial year of 1978-79 they have to renew their subscription from 1st April, next.

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